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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,934	04/05/2004	Makoto Kobayashi	113553.01	3098

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EXAMINER
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PHAN, THIEM D

ART UNIT	PAPER NUMBER
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3729

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/816,934

Applicant(s)

KOBAYASHI ET AL.

Examiner

Tim Phan

Art Unit

3729

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 September 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 1 and 7-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 10,281,202.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/05/04 &amp; 7/01/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Applicants' election with traverse of Group II, Claims 2-6, filed on 9/14/06 is acknowledged.

Applicants' traversals (Remarks about Restriction, page 1) of the Restriction Requirement on the ground that the search for all the inventions of Group I (Claim 1), Group II (Claims 2-6) and Group III (Claims 7-12) could be made without serious burden.

This is not found persuasive because the examiner has established a prima facie case having shown in the Office Action filed on 8/16/06, that the Combination-Subcombinations Restriction is provided under MPEP 806.05(c) and furthermore the invention of Group I has a separate classification from the invention of Groups II or III and vice versa. Moreover, the inventions of Groups I, II and III each have a separate status in the art and clearly have a separate field of search which would be non-coextensive.

In accordance with MPEP § 803, the examiner has demonstrated that the inventions of Groups I, II and III are each independent or distinct as claimed (filed on 8/16/06) and a serious burden would be placed on the examiner as discussed above.

Should applicants traverse on the ground that the inventions are not patentably distinct, applicants should, as indicated in Section 4 of the previous Action, **submit evidence or identify**

Art Unit: 3729

**such evidence now of record** showing the inventions **to be obvious variants or clearly admit on the record that this is the case.** In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the **evidence or admission may be used in a rejection** under 35 U.S.C.103(a) of the other inventions. Accordingly, Claims 1 and 7-12 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Groups, there being no allowable generic or linking claim.

The Restriction filed on 8/16/06 is hereby **made Final**.

Applicants are required to cancel these nonelected Claims (1 and 7-12) or take other appropriate action. An Office Action on the merits of Claims 2-6 now follows.

### *Specification*

2.

- In the Amendments to the Specification (filed on 4/05/04), page 2, line 7, above the sentence "This is a Division ...", add the Heading: -- CROSS REFERENCE TO RELATED DOCUMENTS --;
- In same page, line 7, after "... October 28, 2002", insert: -- , now US Patent No. 6,894,410 --.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 2, 3 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Baumeister et al (US 6,369,473).

**With regard to claim 2**, Baumeister et al teach a method of producing a stator, comprising:

- stamping out (Col. 4, lines 45-48 & lines 53-57) a conductive metal plate into a plurality of strips, the strips stamped out simultaneously by press molding; and
- bending the strips (Fig. 1, 21-23; col. 5, lines 20-23) in a thickness direction to obtain a plurality of rings, the rings being mutually different in diameter.

**With regard to claim 3**, Baumeister et al teach that in the step of stamping out, at least one of a terminal portion (Fig. 1, 31 or 32) and one or more tabs (Fig. 1, 28) are integrally stamped with a main body of the bus bars.

**With regard to claim 5**, Baumeister et al teach that in the step of stamping out, a terminal portion (Fig. 1, 31 or 32) and one or more tabs (Fig. 1, 28) are integrally stamped with a

main body of the bus bars.

*Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baumeister et al.

**With regard to claims 4 and 6,** Baumeister et al teach a method of producing a stator including the stamping out of the bus bars to be bent into rings (Fig. 1, 21-23) to be integrated in parallel to the stator yoke (Fig. 1, 11), which reads on applicants' claimed invention.

It would be obvious to one of ordinary skill in the art at the time the invention was made to lay the stamped out bus bars in parallel in order to improve production by selecting and grouping the ones of same length with aligned end bodies together for parallel bending into rings in one single step.

Art Unit: 3729

*Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim Phan whose telephone number is 571-272-4568. The examiner can normally be reached on M - F, 9AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tim Phan  
Examiner  
Art Unit 3729

tp  
October 4, 2006



**A. DEXTER TUGBANG**  
**PRIMARY EXAMINER**